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SUMMARY RECORD OF THE 367th MEETING

Held at Headquarters, New York,
on Friday, 23 January 1998 at 10 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Azerbaijan (continued) (CEDAW/C/AZE/1)

1. At the invitation of the Chairperson, Ms. Abdullazadeh (Azerbaijan) took a place at the Committee table.

2. Ms. ABDULLAZADEH (Azerbaijan), responding to questions and concerns raised by the Committee in connection with the initial report of Azerbaijan, said that Azerbaijan was a secular and rule-of-law State where there was no place for religious law or religious courts. Since freedom of conscience was enshrined in the country's Constitution, Azerbaijani citizens could practise whatever religion they chose.

3. All courts in Azerbaijan were subordinate to the Supreme Court. The Supreme Court had civil, criminal and military divisions, as well as a presidium and plenum. The civil and criminal divisions could also hear cases by way of cassation, whereas the presidium and plenum exercised a supervisory role. However, judicial reforms were currently under way in Azerbaijan which would create separate appellate structures. As explained in paragraph 53 of the initial report (CEDAW/C/AZE/1), the Constitutional Court had not yet come into existence. However, the Azerbaijani Parliament had recently adopted a law on establishing such a body, and final administrative details were currently being worked out. Until it came into existence, some of its powers were being exercised temporarily by the Supreme Court. Generally speaking, there was no point of law on which women were at a disadvantage before the courts compared to men, and equal numbers of men and women initiated legal proceedings in Azerbaijan.

4. As soon as Azerbaijan had acceded to the Convention on the Elimination of All Forms of Discrimination against Women, newspapers and magazines had begun to publish both the text of the Convention itself and articles about its significance. The basic objective of special publications aimed at women was to provide information about women's rights, enhance legal literacy, and contribute to the formulation of national policy guidelines. The reason why a special committee dealing with women's affairs had been established only very recently was that the Government had initially wished to establish clear-cut structures to implement the provisions of the Beijing Declaration and Platform for Action. The new committee was intended as a coordination and oversight body.

5. The educational system in Azerbaijan was currently in a state of flux. In the public sector it was increasingly the case that only the very best students received an entirely free education. The privatization programme currently under way had not affected the health service directly; only certain pharmacies had been privatized.

6. Committee members had asked what interpretation was given to the word "discrimination" in legal documents in Azerbaijan. The working definition in use was that contained in article 1 of the Convention.

7. It was important to understand that Azerbaijan found itself in a very unusual situation in that one in seven of its inhabitants was a refugee. That fact obviously had an impact on all areas of State life. In that connection, she could only reiterate that Armenian withdrawal from Nagorny Karabakh was a fundamental precondition for the full implementation of the Convention.

8. Women in Azerbaijan enjoyed a high social, professional and cultural profile. A significant proportion of professionals were women. It was important not to forfeit the gains that had been made. At the same time, however, the national machinery for eliminating female stereotypes needed to be brought more into line with international norms.

9. It was important to understand that, de jure, no provision of Azerbaijani legislation contained an infringement of women's rights as defined by the Convention. Before the decision to exempt women from the death penalty, capital punishment had only been applied to women on very rare occasions. The President had recently proposed the complete abolition of the death penalty, a move which, she hoped, would be endorsed by the Azerbaijani Parliament. The law made no distinction between men and women in terms of the illegal production, trafficking or sale of drugs. Women were incarcerated separately from men, and there were special women-only clinics. Women who were found guilty of prostitution were sent to special closed hospitals to treat any diseases they might be suffering from. Alcoholism was not a widespread problem among Azerbaijani women and consequently no special programme had been instituted.

10. Azerbaijani women played an important role in the cultural life of the nation, and special festivals and events were regularly organized to develop their creative potential. However, it had proved more difficult to bring about the complete economic liberation of women. It might be possible for the Azerbaijani Government to implement the idea of a special women's bank or a microcredit scheme which would enable women to start small businesses or further develop their technical skills.

11. Concerning the protection of mothers and whether protective measures were discriminatory, current Azerbaijani legislation did not distinguish between men and women and was in compliance with the Convention. Under the Soviet system, however, there had been incentives for women with numerous children, intended to promote the role of women as mothers. Soviet policy concerning women had been discriminatory, since women had been obliged to expand their role in all spheres of society without relinquishing their family responsibilities.

12. While steps had been taken to change that policy, and to focus on women as individuals, women should not be deprived of the right to have as many children as they wished. What had become clear was that the higher women's status became, the less importance they placed on motherhood. It should be understood that there had been a long tradition of promoting motherhood, and that change would be a long-term process.

13. Regrettably, school programmes aimed at changing family attitudes in society were weak. While nurseries were being opened, programmes on women's issues and on how to eliminate gender stereotypes were being televised nationally, and women themselves were making arrangements for child care, many problems still remained.

14. In response to the concerns raised regarding the exploitation of women and prostitution, in 1995 there had been 26 prosecutions, 11 of which had resulted in a five-year prison sentence, while in 1996 9 people had been sentenced. There was no provision for compensation for victims of violence; the question required further consideration and study.

15. In relation to the role of women in political life, women's interest in political careers was very high as evidenced by the large number of women who had put themselves forward, with the support of parties and regions. Furthermore, 12 per cent of the members of Parliament were women, a figure that was very high compared to other countries in the region. It was also notable that women headed such important bodies as the commissions for energy and natural resources and the Ministry of Justice.

16. The State guaranteed free and compulsory secondary education, and provided various methods of completing it, including correspondence courses and night school. Women were more likely to continue their education beyond secondary school than men were, and the enrolment rate of young women in educational institutions was very high. There was a higher percentage of women in computer specialties, although men still outnumbered women in construction and as oil inspectors, despite measures to encourage women to enter those professions.

17. In March 1996 a special programme had been launched to increase access to family planning and reproductive health services, and in July 1997 a health-care law had been adopted. In addition, doctors had been trained in family planning and reproductive health and two specialized hospitals and programmes to study the implications of contraceptive methods were due to be established. Assistance with contraceptives was available under an emergency programme, but it was difficult to put the programme on a long-term basis.

18. While both infant and maternal mortality rates had been declining as a result of special emergency services for difficult labours in rural areas, problems persisted because of isolation and poor roads. As a result, there was a high percentage of home births. The overall budget allocation for hospital births was small, but training had been provided in regional hospitals in the poorest areas. Paid medical services had also been introduced in cooperation with UNICEF, which provided additional funds for unpaid health services for the poor.

19. Another important health problem was that abortion was still the main method of contraception. In that regard, the help of United Nations organizations in the form of funds and the provision of contraceptive devices was needed.

20. In relation to disease control, cases of polio had peaked in 1993, and no cases had been reported in 1994 or 1995. Diphtheria was a serious problem among

both children and adults. There had been 11,600 cases of first-time active tuberculosis in 1995 and 1996. Although in 1995 and 1996 there had been no cases of AIDS, in 1997 there had been 13 cases of AIDS and 14 cases of HIV infection, all involving foreigners. There was a very high percentage of disabled people in various segments of the population, many of whom were from Chernobyl or victims of the Armenian aggression against Azerbaijan. Approximately $13 million had been allocated to health care services, making it possible to increase the provision of free medical assistance for the population.

21. The agricultural sector was predominantly headed by women, so that the problems of rural women were directly related to the land problem. The National Assembly had adopted a programme in which land would be given to people in rural areas and credit provided to develop agriculture.

22. In response to a question concerning the retraction of World Bank and other assistance and its effect on women, in July 1997 a decree had been signed to provide compensation for those affected; teachers' salaries had also been raised.

23. With reference to women refugees, efforts by international humanitarian organizations and the Government of Azerbaijan had not been sufficient to help women make significant progress. Problems such as the provision of food and medical services still needed to be dealt with. The single most important step that could be taken to solve the problem of women refugees was the signing of a peace agreement.

24. Ms. CORTI said that she appreciated the speed and thoroughness with which the delegation of Azerbaijan had replied to the Committee's questions, particularly those relating to the division between religion and the State, and asked whether the Government's policies were similar to those of Atatürk's secularization of Turkey in 1923.

25. She was pleased that, as a result of the delegation's dialogue with the Committee, it planned to propose that the Government should set up a programme to make small business loans available to women. It was encouraging that 12 per cent of the members of the Azerbaijani Parliament were women; however, not only the percentage of women in Parliament, but what they were doing to benefit other women, was important. She hoped that the Government would move more quickly and actively to address the refugee problem and would encourage the continued involvement of civil society and non-governmental organizations (NGOs) in decision-making, particularly on women's issues. While she remained unconvinced by the Azerbaijani Government's concept of non-discriminatory policy, she recognized that States parties and the Committee would not always agree on such matters. Last, she hoped that the new Committee on Women's Affairs would work to introduce policies for gender equality based on the Convention and take steps to close the gap between the highly educated portion of the female population and other Azerbaijani women, although she realized that the refugee problem would complicate that task.

26. Ms. ACAR said that, as a Turk, she was well aware of the importance of a secular State and a firm legislative basis for the advancement of women and the

elimination of discrimination. By comparison with women of other States, those of Azerbaijan were well educated and highly motivated. However, such a situation could actually slow implementation of the Convention by masking indirect discrimination and de facto inequality.

27. The Soviet system had placed a double burden on women, who had been forced to shoulder heavy responsibilities in both the workplace and the home. In a number of successor States to the Soviet Union, that situation had resulted in a post-independence backlash which had led women to align themselves with conservative religious movements that had taken on new appeal, particularly under difficult social and economic conditions such as those resulting from the war with Armenia. If appropriate measures were not taken, such influences could spread insidiously and, in the end, undo all the progress which women had made. She encouraged the Government to promote cultural change and the increased political representation of women and to ensure that gender equality had a permanent place in the political agenda. The wide range of NGOs in Azerbaijan would be a valuable resource in that regard.

28. Ms. AOUIJ said that she hoped other States would follow Azerbaijan's example in abolishing the death penalty. She encouraged the Government to increase its cooperation with NGOs and to urge the media to foster modern attitudes. In developing countries, resources such as oil often caused more problems than they solved, but she hoped that profits from the petroleum industry would allow Azerbaijan to join the ranks of developed countries, particularly with regard to the advancement of women. Last, she assured the delegation that the Committee supported its request for United Nations Population Fund (UNFPA) assistance for the country's programmes and policies for women's health and family planning.

29. Ms. BUSTELO GARCIA del REAL asked for clarification of the delegation's statement concerning the sending of prostitutes to closed medical facilities.

30. Ms. ABDULLAZADEH (Azerbaijan) said that while pimps and brothel owners were subject to criminal prosecution, prostitutes were not punished under Azerbaijani law. However, women proven to have been involved in prostitution were sent to closed treatment centres for observation and, if necessary, treatment of infectious disease, after which they were released.

31. Ms. BUSTELO GARCIA del REAL said that it was difficult for Governments to comply with article 6 of the Convention in a non-discriminatory manner and that they sometimes lacked the will or the ability to take measures to protect the victims of trafficking in women. The Government's policy would appear to be discriminatory unless not only prostitutes, but also their clients, were subject to enforced medical supervision. Furthermore, trafficking in immigrant women was a particular concern of the European Commission. She hoped that the second periodic report of Azerbaijan would include information on national and international mechanisms for monitoring that situation and preventing the exploitation of illegal women immigrants to Azerbaijan and on the implementation of article 6 of the Convention.

32. The CHAIRPERSON said that Azerbaijan's ratification of the Convention without reservations and incorporation of the international instruments to which

it was a party into domestic law were impressive achievements for a newly independent country, particularly a Muslim one. However, as the Government had recognized, the de facto status of women remained far from satisfactory. While the Committee was aware of the problems that had resulted from the war with Armenia, it must be borne in mind that women were even more vulnerable under such conditions and should be given increased protection. She hoped that the Government would take into account the new role of women since the country's independence while ensuring that the benefits which they had enjoyed under the Soviet system were not lost. The fact that Azerbaijan was a secular State would assist the Government in its efforts to strengthen the legal system and social policy. However, the experience of her own country, Pakistan, had shown that, even under a secular system, religious conservatism could lead to discrimination against women. She hoped that the second periodic report would include information on the influence of religious leaders in Azerbaijan since that had proved a problem in other successor States to the Soviet Union.

33. It was disturbing that the level of poverty and infant and child mortality rates were higher in Azerbaijan than in many countries where a greater percentage of the population was illiterate. She wondered what temporary measures the Government was taking to ensure a better economic situation for women. The Government had established lending programmes in cooperation with the World Bank and the International Monetary Fund (IMF) and planned to set up a women's bank. It had been Pakistan's experience that, even under conditions of extreme poverty, not only women, but society as a whole, benefited from the existence of microcredit lending institutions such as the Grameen Bank, provided that no collateral for loans was required. It was important for Governments to recognize that sustained economic growth was more effective than welfare in preventing the marginalization of women.

34. She also noted that, despite a relatively highly educated population and numerous women medical professionals, the country had a very poor health care system. There was a need for better policies and greater governmental commitment in that area.

35. It was encouraging that women made up nearly 45 per cent of the Azerbaijani workforce and were relatively well represented in Parliament. Despite the country's war-ravaged economy, the Government had demonstrated its commitment to implementing the Convention. She hoped that the Committee's recommendations on the initial report of Azerbaijan would be widely disseminated and taken into account by the Government.

The meeting rose at 12.10 p.m.